

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KENNETH HOUCK,

Plaintiff,

v.

UNITED STATES OF AMERICA,
RANDALL PASS, FEDERAL BUREAU OF
PRISONS, MS. BAGWELL, LESLIE
BROOKS, and MS. HARBISON,

Defendants.

Case No. 17-cv-474-JPG-SCW

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that the following claim is dismissed with prejudice:

- Count 12: Claim under the Privacy Act (5 U.S.C. § 552a(e)(5)) (identified in the Complaint as Count 10) against the Bureau of Prisons, for failing to accurately document Plaintiff's pain, deformities, and other conditions in his medical records; and

IT IS FURTHER ORDERED AND ADJUDGED that the following claims are dismissed without prejudice:

- Count 10: Eighth Amendment claims for deliberate indifference to serious medical needs (identified in the Complaint as Counts 11, 14, and 15) against PA Brooks, Pass, Harbison, and Bagwell, for discontinuing and/or withholding necessary prescription medication, and withholding and/or denying treatment recommended by a specialist, including Plaintiff's cane;
- Count 11: Tort claim for medical negligence and willful and wanton misconduct relating to Plaintiff's medical needs (identified in the Complaint as Counts 7, 16, and 17) against the United States, for allowing improper psychological referrals to be made by Meade and for denying medication and treatment;

- Count 13: Claim under the Rehabilitation Act (29 U.S.C. § 701) (identified in the Complaint as Count 13) relating to the denial of medical treatment.

DATED: December 6, 2017

JUSTINE FLANAGAN, Acting Clerk of Court

s/Tina Gray, Deputy Clerk

Approved: s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE